(2)

Supreme Court, U.S.
FILED
DEC 27 1995
CLERK

No. 95-843

In The

Supreme Court of the United States

October Term, 1995

GERALD D. BUSH,

Petitioner,

v.

MICHAEL Z. JONES, KENNETH HARPER, ZEELAND PUBLIC SCHOOLS,

Respondents.

Petition For A Writ Of Certiorari To The Michigan Court Of Appeals

RESPONDENTS' BRIEF IN OPPOSITION

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December 27, 1995

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32 pp

QUESTIONS PRESENTED

I. Whether this Court should exercise its discretion to review the decisions of lower Michigan courts where there are no important questions of federal law and the state law issues have no national applicability or significance?

II. Whether this Court should exercise its discretion to review the decisions of lower Michigan courts where the state law issues were decided fairly and correctly by the lower Michigan courts in accord with applicable Michigan law?

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MISCELLANEOUS

Martin, Dean, Webster, *Michigan Court Rules Practice*, 135 12

STATEMENT OF THE CASE

Despite what one would gather from petitioner's statement of the case, the essential facts of this case are simple and largely undisputed. On or about August 25, 1993, petitioner filed a complaint and jury trial request in the Ottawa County Circuit Court ("Circuit Court") against respondents alleging breach of contract based on events which occurred in 1983 and 1984. Because petitioner's claims were clearly untimely and had previously been fully litigated, respondents moved for summary disposition based on the statute of limitations and the doctrines of *res judicata* and collateral estoppel. In a written opinion dated December 9, 1993, the Circuit Court granted respondents' motion for summary disposition on the basis of the statute of limitations (A at A1-3).[1] An Order Granting Defendants' Motion for Summary Disposition was filed with the Circuit Court on *December 22, 1993* (A at A4). Pursuant to MCR 2.602(D)[2], on December 28, 1993, counsel for respondents served a conformed

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[1] References to the Appendix to the Petition for Writ of Certiorari are designated as "(A at [letter/page #])." References to the Petition for Writ of Certiorari are designated as "P at [page #]."

[2] Rule 2.602(D) provides in pertinent part:

RULE 2.602 ENTRY OF JUDGMENTS AND ORDERS

* * *

(D) Service.

(1) The party securing the signing of the judgment or order shall serve a copy, within 7 days after it has been signed, on all other parties, and file proof of service with the court clerk.

* * *

copy of an Order Granting Defendants' Motion for Summary Disposition on Appellant (the Proof of Service filed by respondent is included as Appendix A).

On or about *January 21, 1994,* petitioner filed Plaintiff's Motion for Rehearing/New Trial with the Circuit Court (the Circuit Court docket sheet is included as Appendix B). In a written opinion dated February 24, 1994, the Circuit Court denied Petitioner's motion for the reasons that it was untimely and without merit (A at G1-2). An Order Denying Motion for Rehearing was filed with the Circuit Court on March 22, 1994 (the Circuit Court docket sheet is included as Appendix B).

On or about *April 11, 1994,* petitioner filed a Claim of Appeal with the Michigan Court of Appeals (the Michigan Court of Appeals docket sheet is included as Appendix C). In an Order dated *August 8, 1994,* the Court of Appeals, on its own motion, dismissed petitioner's Claim of Appeal for lack of jurisdiction because it was not timely filed (A at I1). Thereafter, petitioner attempted to file an untimely Motion for Rehearing with the Court of Appeals. In a letter dated September 13, 1994, the Court of Appeals returned to petitioner the Motion for Rehearing and his check because it had not been timely filed (A at J1).

The Michigan Supreme Court denied petitioner's Application for Delayed Leave to Appeal and Superintending Control on March 31, 1995 (A at K1) and denied reconsideration on June 30, 1995 (A at L1).

REASONS FOR DENYING THE WRIT

As shown below, petitioner has asserted no legitimate basis for this Court to exercise its extraordinary and discretionary jurisdiction.

I. THIS COURT SHOULD NOT GRANT PETITIONER'S PETITION SIMPLY BECAUSE HE IS PROCEEDING PRO SE.

Petitioner argues that this Court should grant his petition because "it clearly demonstrates the vast extent of the violations of the constitutional right to justice when one represents oneself" (P at 26). Petitioner attempts to support his argument by citing his lack of success in his pro se experiences (no judge has ruled in his favor in the six different cases before four different judges in which he has appeared pro se) (P at 28). Petitioner goes so far as to suggest (threaten) that pro se litigants (such as himself) who lose their cases are left with "a bitter taste of justice" which "sometimes erupt into Oklahoma bombings in protestation." (B at 28).

Despite petitioner's stated "firm belief" that "an unbiased judge who did not know he was proceeding *pro se*" would have ruled in his favor in every instance (P at 28), the reality is that he lost at the Circuit Court and Michigan Court of Appeals levels in this case because of his inability to comply with time requirements and procedural rules. Although there is a constitutional right to proceed *pro se*, that right does not also confer a license to ignore procedural rules or an exemption from substantive legal requirements. *Faretta v. California*, 422 U.S. 806, 834 n. 46, 95 S.Ct. 2525, 2541 n. 46 (1975); *McKaskle v. Wiggins*,

465 U.S. 168, 183-184, 104 S.Ct. 944, 954 (1984), *reh. den.*, 465 U.S. 1112, 104 S. Ct. 1620 (1984), *on remand*, 729 F.2d 1026 (5th Cir. 1984), *aff'd*, 753 F.2d 1318 (5th Cir. 1985). Petitioner is not entitled to receive any elevated status because he has chosen to represent himself before the Court.

II. THIS CASE INVOLVES ONLY ISSUES OF MICHIGAN LAW WHICH HAVE NO NATIONAL APPLICABILITY OR SIGNIFICANCE.

As shown below, this case turns entirely on principles of practice and procedure before the lower Michigan courts. There are no federal statutory or constitutional issues legitimately before this Court. The principles of Michigan law which are involved are unique to Michigan and have no national applicability or significance. There is simply no reason for this Court to invoke its extraordinary and discretionary jurisdiction.

III. PETITIONER WAS NOT DEPRIVED OF DUE PROCESS.

Petitioner argues that his due process rights were violated by the Michigan Court of Appeals by its dismissal of his appeals without hearings, arguments and decisions on the merits. Petitioner's argument is without merit.

Reasonable conditions may be imposed on the right to a hearing or to access to the courts generally. *Ownbey v. Morgan*, 256 U.S. 94, 111, 41 S.Ct. 433 (1921). Any right to a hearing or access to the courts may be lost by delay.

There is no denial of due process in a provision that, if a person affected takes no steps to assert his rights within a prescribed time period, the person loses those rights. *O'Neil v. Northern Colorado Irrig. Co.*, 242 U.S. 20, 26, 37 S.Ct. 7 (1916). That a rule of procedure may work particular hardship on a particular individual does not make the rule wanting in due process. *Ownbey, supra.*

In this case, petitioner failed to comply with the timelines and procedures that govern review of a decision by the lower courts in Michigan. As such, any right that petitioner may have had to such elements of due process as hearings, arguments and decisions on the merits, was lost by his own actions. Therefore, the due process rights of petitioner were not violated in this case.

IV. PETITIONER WAS NOT DENIED THE RIGHT TO A JURY TRIAL.

It has long been held that where summary judgment is properly granted, the losing party is not deprived of the right to a jury trial. *Fidelity & Deposit Co. v. United States*, 187 U.S. 315, 320, 23 S.Ct. 120 (1902). The general reasoning behind this holding is that summary judgment is granted as a matter of law where there is no genuine issue of material fact, and, therefore, the province of the jury, fact finding, is not invaded. *Diamond Door Co. v. Lane-Stanton Lumber Co.*, 505 F.2d 1199 (CA 9, 1974).

In this case, although petitioner requested a jury trial, his failure to file this action within the time permitted under the applicable statute of limitations resulted in

summary disposition being properly awarded to respondents by the Circuit Court. Therefore, petitioner was not denied his right to a jury trial.

V. THE MICHIGAN COURT OF APPEALS COMMITTED NO ERROR IN DENYING PETITIONER'S APPEALS.

Cutting through the 30 pages of verbiage that make up petitioner's Petition for a Writ of Certiorari, the sole issue raised by petitioner is whether he should be required to comply with the same timelines and procedures that govern an appeal to the Michigan Court of Appeals as everyone else. Although petitioner argues various perceived injustices and governmental abuse by the judges in the Michigan court system, the only injustice in this case would be if this Court decides to modify the Michigan Court Rules to accommodate petitioner's propensity for not timely filing his pleadings.

Review of the facts of this case clearly demonstrate that the Circuit Court was totally correct in granting respondent's motion for summary disposition on the basis of the statute of limitations. Thereafter, petitioner's failure to comply with the timelines and procedures that govern rehearing or reconsideration of that decision by the Circuit Court and appeal to the Michigan Court of Appeals properly terminated petitioner's right to review of the Circuit Court's decision. Finally, the Michigan Supreme Court correctly found no reason to review the Court of Appeals' decisions. As such, there is no legitimate basis for this Court to now review the Michigan courts.

In his Petition for Writ of Certiorari, petitioner prays that this Court "review the dismissal of Petitioner's appeal by right to the Michigan Court of Appeals and subsequent refusal to docket his Motion for Rehearing . . . " (P at 1). As shown below, the Michigan Court of Appeals' decisions were completely proper and fully in accord with Michigan law.

A. The Court of Appeals' Order Dismissing Petitioner's Claim of Appeal Was Properly Decided.

MCR 7.204 provides in pertinent part:

RULE 7.204 FILING APPEAL OF RIGHT; APPEARANCE

(A) Time Requirements. *The time limit for an appeal of right is jurisdictional.* The provisions of MCR 1.108 regarding computation of time apply.

(1) An appeal of right in a civil action must be taken within

(a) 21 days after entry of the judgment or order appealed from;

(b) *21 days after the entry of an order denying* a motion for new trial, *a motion for rehearing* or reconsideration, or a motion for other post-judgment relief, *if the motion was filed within the initial 21-day appeal period* or within further

> time the trial court may have allowed during that 21-day period; or
>
> * * *

(Emphasis supplied)

Analysis of MCR 7.204(A)(1)(b) reveals that the appeal of an order denying a motion for rehearing is allowed up to 21 days after the entry of the order *provided that the motion for rehearing was filed within the initial 21-day appeal period*. Otherwise, the Court of Appeals' jurisdiction is limited to appeals taken within 21 days after entry of the original judgment or order.

In this case, it is undisputed that on *December 22, 1993*, the Circuit Court entered an Order Granting Defendants' Motion for Summary Judgment. In order to delay the time limit for an appeal until 21 days after the entry of an order denying a motion for rehearing, MCR 7.204(A)(1)(b) requires that a motion for rehearing must be "filed within the initial 21 day appeal period." As such, in order for Plaintiff's Motion for Rehearing/New Trial to have been timely filed so as to delay the time limit for an appeal under MCR 7.204(A)(1)(b), it needed to be filed with the Circuit Court on or before *January 12, 1994*. For whatever reason, petitioner did not do so. Indeed, petitioner did not file his motion with the Circuit Court until *January 21, 1994*, some nine days after the 21-day deadline in MCR 7.204(A)(1)(b) had already expired.

In an attempt to circumvent his failure to timely file his Motion for Rehearing/New Trial, petitioner spends considerable time questioning the fact that the Circuit Court did not serve him with a Notice of the Signing of the Order Granting Defendants' Motion for Summary

Disposition until December 30, 1993. Utilizing that date as the *starting point* for the 21-day appeal period provided for in MCR 7.204(A)(1)(b), petitioner argues that the Motion for Rehearing/New Trial which he *mailed* on January 20, 1994, was timely. Petitioner's argument does not withstand scrutiny for several reasons.

First, the 21-day appeal period contained in MCR 7.204(A)(1) is computed based on the date of the entry of the order, not the date that a party receives notice of the entry of an order. MCR 2.602(A) provides that "the date of signing of an order or judgment is the date of entry." MCR 7.202(3) defines "entry" as "placing of an order, judgment or other document into the file and records of a lower court . . . by the clerk." In this case, it is undisputed that the Order Granting Defendants' Motion for Summary Disposition was signed and placed in the files of the Circuit Court on *December 22, 1993*. Therefore, in order for petitioner to have filed his Motion for Rehearing/New Trial within the initial 21-day appeal period permitted under MCR 7.204(A)(1)(b), it had to be filed with the Circuit Court on or before *January 12, 1993*.

Second, although petitioner may have mailed his Motion for Rehearing/New Trial to the Ottawa County Circuit Court on January 20, 1994, it was not filed with the Court until *January 21, 1994*. "Filing with the court" is defined by MCR 2.107(G), and that subrule clearly indicates that, until the pleadings or papers are in the hands of the court clerk, no "filing" has occurred.[3] Thus, even if

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[3] In his petition, petitioner argues that "there is no law or precedent, or even court rule . . . that prohibits a timely mailed

the starting date for the 21-day period is assumed to be December 30, 1993 (and, as shown above, it is not), petitioner still failed to timely file his Motion for Rehearing/ New Trial, since the deadline date for filing under that scenario would have been January 20, 1994.[4]

---

filing from being considered timely filed" (P at 16). Petitioner then cites MCR 2.107(C)(3) which deals with service of papers as "worthy consideration." In making that argument, petitioner confuses "service" of papers with the "filing" of pleadings. MCR 2.107(G) clearly requires that a paper or document be delivered to and *received* by a proper court officer to constitute being "filed." *Biafore v. Baker*, 119 Mich App 667, 326 N.W.2d 598 (1982).

[4] Petitioner's fixation on the December 30, 1993 date when the Circuit Court Clerk served him with a Notice of Signing of the Order Granting Defendants' Motion for Summary Disposition is completely misdirected. After all, petitioner knew since the Circuit Court issued its written opinion on December 9, 1993 that respondents' motion for summary disposition had been granted (A at A4). Thereafter, on December 13, 1993, respondents served petitioner with a Notice of Submission to the Circuit Court of a proposed order under MCR 2.602(B)(3), which provides in pertinent part:

RULE 2.602 ENTRY OF JUDGMENTS AND ORDERS

* * *

(B) Procedure of Entry of Judgments and Orders. An order or judgment shall be entered by one of the following methods:

* * *

(3) Within 7 days after the granting of the judgment or order, or later if the court allows, a party may serve a copy of the proposed judgment or order on the other parties, with a notice to them that it will be submitted to the court for signing if no written objections are filed with the court clerk within 7 days after

Third, pursuant to MCR 2.602(D), the responsibility for serving a copy of a judgment or order is on the party securing the signing of the judgment or order, *not the court*. As required by MCR 2.602(D), on December 28, 1993, counsel for respondents served a conformed copy of an Order Granting Defendants' Motion for Summary Disposition on petitioner. Therefore, since it is uncontested that counsel for respondents served a copy of the signed Order on petitioner within seven (7) days after it had been signed, everything was done properly in this case. Hence, the date from which petitioner needed to file his Motion for Rehearing/New Trial related back to December 22, 1993, the date the Circuit Court entered the Order Granting Defendant's Motion for Summary Judgment.

The conclusion which must be reached from these facts is that petitioner failed to file his Motion for Rehearing/New Trial with the Circuit Court within the 21-day

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> service of the notice. The party must file with the court clerk the original of the proposed judgment or order and proof of its service on the other parties.
>
> (a) If no written objections are filed within 7 days, the clerk shall submit the judgment or order to the court, and the court shall then sign it if, in the court's determination, it comports with the court's decision.
>
> * * *

Petitioner opted not to file any objections to the proposed order within the seven-day time period that is allowed. Accordingly, the Court signed the proposed order on December 22, 1993, and a copy of the signed order was served on petitioner on December 28, 1993.

appeal period required by MCR 7.204(A)(1)(b), and thus the time limits in that provision are not applicable for petitioner's claim of appeal. Accordingly, pursuant to MCR 7.204(A)(1)(a), in order for petitioner's claim of appeal to be timely, it needed to be filed with the Court of Appeals on or before *January 12, 1994*. For whatever reason, petitioner failed to do so. In fact, petitioner did not file his claim of appeal with the Court of Appeals until *April 11, 1994*, nearly three months after the deadline had already expired. Therefore, the Court of Appeals' Order dismissing this case for lack of jurisdiction because it was not timely filed was properly entered.

B. The Court Of Appeals' Refusal To Consider Petitioner's Motion For Rehearing Was Proper.

MCR 7.215(H) provides that "to move for rehearing, a party must *file* a motion within 21 days after the date stamped on an opinion or after the date the clerk certified an order." MCR 7.202(5) defines "filing" as "the *delivery* of a document to a court clerk and the *acceptance* of the document by the clerk with the intent to enter it into the record of the court." MCR 7.202(2) defines "date of filing" as "the date of *receipt* of a document by a court clerk."

Despite petitioner's argument in his Petition to the contrary, it has long been recognized under the court rules that documents mailed are not considered filed until actually received and reviewed by the court clerk. As observed in the Author's Comment to MCR 7.202 in Martin, Dean, Webster, *Michigan Court Rules Practice*, 135:

> *The astute reader will note that documents mailed to the clerk's office are not considered filed until actually received and* reviewed by the clerk. One may also note that there is no rule requirement which states that the clerk must review documents mailed to that office immediately upon receipt or even the same day of receipt. Until the clerk has an opportunity to check documents and papers to insure that they conform to the rules, are complete, and to insure that all required fees have been paid, those documents and papers are not "filed" with the court. *For that reason, most appellate practitioners will deliver important papers to the clerk's office, the use of the mails reserved for those instances in which time is plentiful.*

(Emphasis supplied).

In this case, petitioner sought rehearing by the Court of Appeals of its Order dismissing his Claim of Appeal entered on *August 8, 1994*. As such, in order for petitioner's Motion for Rehearing to be timely, he needed to *file* it with the Court of Appeals on or before *August 29, 1994*. For whatever reason, petitioner failed to do so. Petitioner's Motion for Rehearing was not *filed* with the Court of Appeals until *August 30, 1994*. Therefore the Court of Appeals' refusal to consider petitioner's Motion for Rehearing because it was not timely filed was proper.

CONCLUSION

On each occasion at issue in this matter, petitioner has failed to timely file the necessary pleadings to secure review of a decision with the appropriate lower court. As a consequence, the courts have properly dismissed his

untimely requests for review on the basis that they lack jurisdiction. Rather than modifying his behavior to comply with the well-established procedures applicable to everyone else, petitioner requests that this Court ignore the Michigan Court Rules so that his dilatory conduct will be allowed.

The timeliness and procedural issues in this case involve only issues of Michigan law and do not place federal, statutory or constitutional issues legitimately before this Court. Nor are the decisions of the Michigan courts erroneous.

For all of the reasons set forth above, petitioner's Petition for Writ of Certiorari should be denied.

MILLER, JOHNSON, SNELL & CUMMISKEY, P.L.C.
Attorneys for Respondents Michael Z. Jones, Kenneth Harper and Zeeland Public Schools

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Counsel of Record

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800 Calder Plaza Building
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(616) 459-8311

Dated: December 27, 1995.

APPENDIX A

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE
COUNTY OF OTTAWA

GERALD BUSH,

Plaintiff,

v

MICHAEL Z. JONES, DR. KENNETH HARPER, ZEELAND PUBLIC SCHOOLS BOARD OF EDUCATION,

DEFENDANTS.

File No. 93-19118-CK

HON. WESLEY J. NYKAMP

---/

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Attorneys for Defendants
800 Calder Plaza Building
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(616) 459-8311

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss.
COUNTY OF KENT)

Judy A. York, being duly sworn, deposes and states that she is secretary to Jon G. March of Miller, Johnson, Snell & Cummiskey, attorneys for defendants in the above-captioned lawsuit, and that on the 28th day of December, 1993 she served a conformed copy of an Order Granting Defendants' Motion for Summary Disposition upon the following:

Gerald D. Bush
724 E. Central
Zeeland, Michigan 49464

Service was made via regular first-class U.S. mail.

/s/ Judy A. York
Judy A. York

Subscribed and sworn to before me
this 28th day of December, 1993.

/s/ Carol Ambrose
Notary Public, Kenty County, MI
My commission expires: 3/5/94

APPENDIX B

DATE: 5/03/94 STATE OF MICHIGAN, CIRCUIT COURT, COUNTY OF OTTAWA PAGE 1

GERALD BUSH VS MICHAEL JONES

CASE: 93-019118-CK

JUDGE: WESLEY J. NYKAMP

ACTIVE: 8/25/93
CLOSED: 12/22/93

JURY
BOX:

PLAINTIFF
BUSH, GERALD
724 E CENTRAL
ZEELAND, MI 49464

ATTORNEY
IN, PRO PER,

, 00000

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9063 LAKEVIEW CT
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ATTORNEY
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GRAND RAPIDS, MI 49503

FEES

RECEIPT	PAID	RECEIVED FROM	TYPE	AMOUNT WAIVED
68350	8/25/93	BUSH, GERALD	FILING FEE	$42.00
68351	8/25/93	BUSH, GERALD	JURY FEE	$20.00
			TRIAL BY JURY	$10.00

70073	10/20/93	MILLER, JOHNSON,	MOTION	$20.00
73064	1/25/94	BUSH, GERALD	MOTION	$20.00
941221	4/11/94	BUSH, GERALD	APPEAL FEE-CT OF APP	$25.00
			SERVICE	$
			ATTORNEY	$
			COSTS	$
			OTHER	$
			DAMAGES	$
			INTEREST	$
			TOTAL	$

DATE	CODE	ACTIONS, JUDGMENTS, CASE NOTES	JD CLK
8/25/93	C	CASE FILED WITH CIRCUIT COURT	C3 BL
	–	COMPLAINT, JURY TRIAL DEMAND	C3 BL
8/25/93	SI	SUMMO ISSUED	C3 BL
	–	EXPIRES NOV 24, 1993	C3 BL
8/25/93	JD	JURY DEMAND FILED	C3 BL
	*	PROOF OF SERVICE	C3 BL
9/17/93	*	APPEARANCE	C3 SAN
	AN	ANSWER FILED	C3 SAN
	–	ANSWER AND AFFIRMATIVE AND OTHER DEFENSES	C3 SAN
9/17/93	*	PROOF OF SERVICE	C3 SAN

10/04/93	CPO	CASE PREPARATION ORDER	C3 FMH
10/15/93	APR	HEARING SCHEDULED FOR 11/22/93 AT 2:30 PM	C3 JAC
	–	DEFENDANT'S MOTION RE SUMMARY DISPOSITION	C3 JAC
10/18/93	DM	DEFENSE MOTION	C3 SAN
	–	DEFENDANTS' MOTION FOR SUMMARY DISPOSITION	C3 SAN
10/18/93	*	AFFIDAVIT OF JON G. MARCH IN SUPPORT OF MOTION FOR	C3 SAN
	–	SUMMARY DISPOSITION	C3 SAN
10/18/93	*	NOTICE OF HEARING 11-22-93 2:30	C3 SAN
	*	PROOF OF SERVICE	C3 SAN
10/19/93	APR	CASE PREPARATIONS SCHEDULED FOR 11/24/93 AT 1:15 PM	C2 MK
	*	NOTICE OF CASE PREPARATION (2)	C3 SAN
11/16/93	*	PROOF OF SERVICE	C3 SAN
	*	AFFIDAVIT OF GERALD D. BUSH IN OPPOSITION TO DEFENDANTS	C3 SAN
	–	MOTION FOR SUMMARY DISPOSITION AND IN SUPPORT OF SUMMARY	C3 SAN
	–	DISPOSITION FOR PLAINTIFF	C3 SAN
11/19/93	*	PROOF OF SERVICE	C3 CG
	SC	PROOF OF SERVICE ON COMPLAINT	C3 CG

	–	SUMMONS RETURNED W/AFFIDAVIT OF PROCESS SERVER-CERTIFIED	C3 CG
	–	MAIL-MICHAEL JONES 8/26/93-COPY OF RECEIPT SIGNED BY	C3 CG
	–	ERIN JONES	C3 CG
11/19/93	SC	PROOF OF SERVICE ON COMPLAINT	C3 CG
	–	SUMMONS RETURNED W/AFFIDAVIT OF PROCESS SERVER-CERTIFIED	C3 CG
	–	MAIL-DR.KENNETH HARPER 8/26/93-COPY OF RECEIPT SIGNED BY	C3 CG
	–	K. J. HARPER	C3 CG
11/19/93	SC	PROOF OF SERVICE ON COMPLAINT	C3 CG
	–	SUMMONS RETURNED W/AFFIDAVIT OF PROCESS SERVER-CERTIFIED	C3 CG
	–	MAIL-ZEELAND PUBLIC SCHOOLS 8/27/93-COPY OF RECEIPT	C3 CG
	–	SIGNATURE UNREADABLE	C3 CG
11/22/93	H	HEARING HELD	C3 FMH
	–	HRD MOT FOR SUM DISPOSITION, UNDER ADVISEMENT	C3 FMH
12/09/93	*	NOTICE OF OPINION	C3 FMH
12/13/93	NS	NOTICE OF SUBMISSION UNDER MCR 2.602(b)(3)	C3 SAN
	–	NOTICE OF FILING OF PROPOSED ORDER	C3 SAN

12/13/93	*	PROOF OF SERVICE	C3 SAN
12/22/93	FDD	FINAL DISPOSITION- DISMISSAL	C3 SAN
	–	ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY	C1 SAN
	–	DISPOSITION	C1 SAN
12/29/93	*	PROOF OF SERVICE	C3 SAN
12/30/93	*	NOTICE TO ATTORNEYS OF RECORD	C3 SAN
1/21/94	PM	PLAINTIFF MOTION	C3 SAN
	–	PLAINTIFF'S MOTION FOR REHEARING/ NEW TRIAL	C3 SAN
1/21/94	*	PROOF OF SERVICE	C3 SAN
2/24/94	*	NOTICE OF OPINION	C3 FMH
3/01/94	NS	NOTICE OF SUBMISSION UNDER MCR 2.602(B)(3)	C3 SAN
	–	NOTICE OF FILING OF PROPOSED ORDER	C3 SAN
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3/08/94	*	PROOF OF SERVICE	C3 SAN
3/22/94	*	ORDER DENYING MOTION FOR REHEARING	C3 SAN
3/31/94	*	PROOF OF SERVICE	C3 SAN
4/11/94	CA	COURT OF APPEALS FILE	C3 SAN
	–	CLAIM OF APPEAL	C3 SAN
		*** END OF EVENTS ***	

DATE: 5/03/94 STATE OF MICHIGAN, CIRCUIT COURT, COUNTY OF OTTAWA PAGE 3

GERALD BUSH VS MICHAEL JONES

CASE: 93-019118-CK

JUDGE:
WESLEY J. NYKAMP

PLAINTIFF	ATTORNEY
BUSH, GERALD 724 E CENTRAL ZEELAND, MI 49464	IN,PRO PER, , 00000
DEFENDANT	ATTORNEY
JONES, MICHAEL Z 9063 LAKEVIEW CT ZEELAND, MI 49464	MARCH, JON G, 800 CALDER PLAZA BLDG GRAND RAPIDS, MI 49503
HARPER, KENNETH DR 155 S CENTENNIAL STREET ZEELAND, MI 49464	MARCH, JON G, 800 CALDER PLAZA BLDG GRAND RAPIDS, MI 49503
ZEELAND PUBLIC SCHOOLS BOARD O 183 W ROOSEVELT ZEELAND, MI 49464	MARCH, JON G, 800 CALDER PLAZA BLDG GRAND RAPIDS, MI 49503
JONES, MICHAEL Z. (ADDRESS UNKNOWN)	KUYVENHOVEN, LEONARD A, 800 CALDER PLAZA BLDG GRAND RAPIDS, MI 49503

HARPER, DR. KENNETH (ADDRESS UNKNOWN)	KUYVENHOVEN, LEONARD A, 800 CALDER PLAZA BLDG GRAND RAPIDS, MI 49503
ZEELAND PUBLIC SCHOOLS BOARD O (ADDRESS UNKNOWN)	KUYVENHOVEN, LEONARD A, 800 CALDER PLAZA BLDG GRAND RAPIDS, MI 49503

*** END OF CASE ***

APPENDIX C

CASE: 174330-L STATUS: CLOSE LIST: 90 T:16:37:27 D:09/27/94

GERALD BUSH V MICHAEL JONES

MAIL RUN FROM G 9/13/94 267 REPLY BRF MOT RHRG
MAIL RUN FROM G 9/07/94 169 ANSWER MOT REHRG
MAIL RUN FROM G 8/30/94 12 MO REHRG & $50 (#150)
REMARKS: DOCOM; RELATED 170293; 138192

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001 BUSH GERALD	PL-AT		PRO	724 EAST CENTRAL ZEELAND MI 49464-
002 JONES MICHAEL Z	DF-AE	(27786)	RET	MUTCH CRAIG A 800 CALDER PLAZA BLDG GRAND RAPIDS MI 49503- [616] 459/8311
			***	NOT FOR WBM
003 HARPER KENNETH DR	DF-AE		SAM	
004 ZEELAND SCHOOL BOARD	DF-AE		SAM	

---------- TOPICS/ISSUES ----------

NATURE:SUMMJ; FOR DF

4/11/94	01	CLAIM OF APPEAL	D CLARK	6/02/94
		P/S: 41194 FEE:0200 CHK: 122		
		CLERK:JPL RCT MAIL: 6/03/94		
12/22/93	02	ORDER APPEALED FROM: OTTAWA COUNTY BLACK		4/15/94
		JUDGE: NYKAMP WESLEY J LCT 93019118 CK		
		SUMMJ FOR DF		
4/11/94	05	ATTY CERT OF TRANSCRIPT REQST	ALLEN	6/30/94
		DATE: 41194 R- 242 TAYLOR JILL L		
5/13/94	09	DOCKETING STATEMENT-MCR 7.204H	SENN	7/20/94
		TR DAYS: 1 SETL:N FUT:N	PTY: 1 ATY:	
		TOP:SUMMJ CTRAC EMPLY LIMIT		
		**DEFECTIVE:PROOF;		
6/28/94	08	APPEARANCE ATTY FOR DF	ALLEN	7/11/94
			PTY:02 P-27786 MUTCH CRA	
7/11/94	10	NOTICE OF FILING TRANSCRIPT	SENN	7/20/94
		DATE: 70894 R- 242 TAYLOR JILL L		
7/12/94	07	SUBMTD ON SPECIAL MOTN DOCKET	ALLEN	7/11/94
		N1: 6 LANS PAN:MMD WBM MPR ITEM: 6		
		DISMISS ON CT'S OWN MTN		

8/08/94	11	ORDER DISMISS-CLERK'S PROPOSAL N1: 6 MCR 7.216(A)(10)	ALLEN PAN:MMD,WBM,MPR	8/08/94
9/13/94	12	CORRESPONDENCE RETURNED TO PTY BUSH-MTN REH CK 150 $50; RECEIVED TOO LATE	FISCHER	9/13/94

174330 DOCKET/FILE LISTING COMPLETE, THANK YOU AKERMAN [G6]